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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,812	01/20/2004	Brent Hauck	DUR-120	2286

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EXAMINER

SZUMNY, JONATHON A

ART UNIT PAPER NUMBER

3632

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,812

Applicant(s)

HAUCK, BRENT

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 13-15 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 11, 12 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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This is the first office action for application number 10/761,812, Seat Track Assembly and Method of Manufacture, filed on January 20, 2004.

Priority

Domestic priority of application number 60/443,674 filed on January 29, 2003 is acknowledged.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the Examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show "angled portion 56" as described in the specification on line 15 of page 6. Further, line 16 of page 6 recites "an angled portion 58 of each sidewall of the lower track 20..." However, in figure 3, reference numeral 58 is directed towards a portion of the upper track. Further, the previously recited passage recites "lower track 20" and should be --lower track 24--. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in

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reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

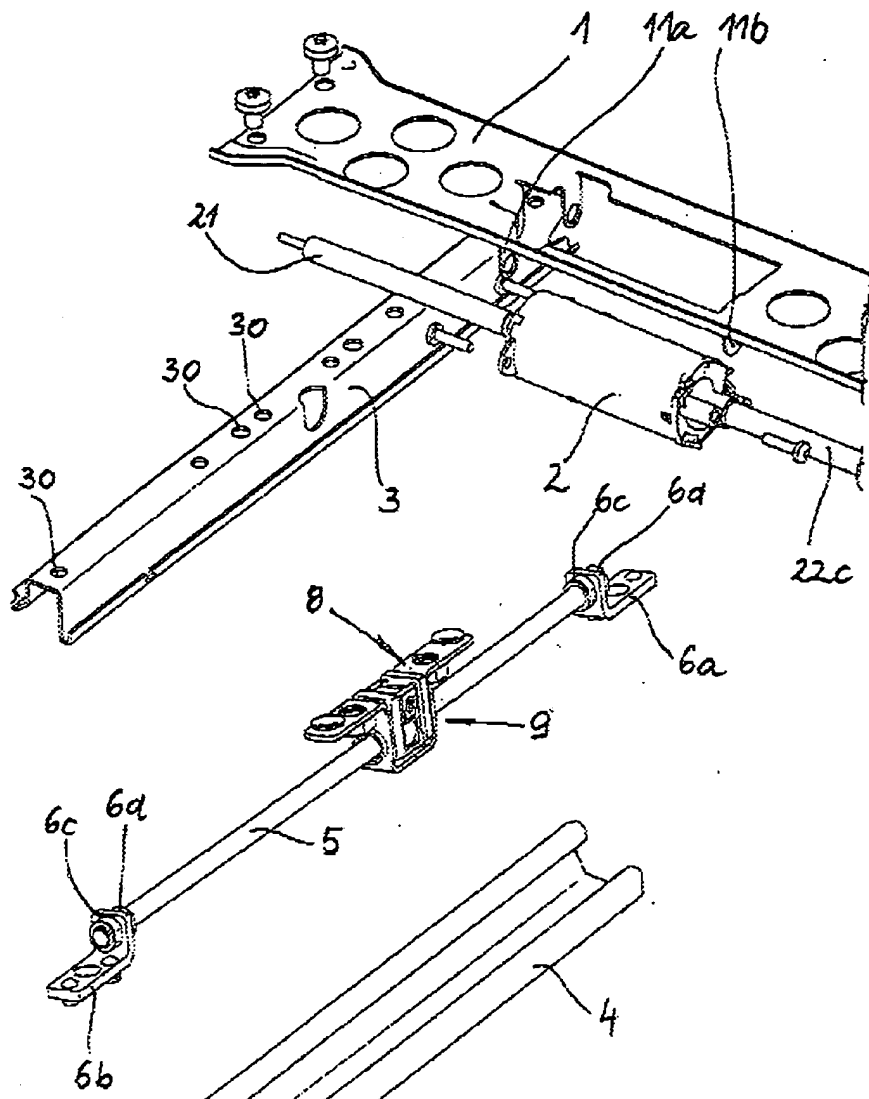
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12, 16, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent number 198 15 283 to Taubmann et al.



Taubmann et al. '283 discloses a seat track assembly (see abstract, is used for a seat assembly) comprising: an upper track (3, generally) comprised of an elongated inverted channel member having a pair of downwardly extending side walls and a top wall connecting said side walls; a lower track (4, generally) comprised of an elongated channel member having upwardly extending side walls and a bottom wall connecting the side walls, the upper track received between the side walls of said lower track, an elongated threaded spindle (5, generally) mounted

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to the lower track bottom wall extending along and between the side walls; a gear nut (92, generally) threaded onto the spindle, the gear nut rotatably carried in a gear case (7, generally), the gear nut and the gear case driving the upper track lengthwise upon rotation of the gear nut on the spindle by a bracket (8, generally) having a pair of legs spaced apart in the lengthwise direction of the upper track straddling the gear case, the legs connected together at a lower end of each leg by a connecting portion; and the spindle having a flattened end (near 6b, generally) attached to the bottom wall of the lower track by one or more fasteners (inherently, see above) passing through the flattened end and the bottom wall, wherein the integral flattened end of the spindle is offset from a longitudinal axis of the spindle to locate the spindle spaced above the bottom wall of the lower track, wherein Taubmann et al. '283 inherently teaches the method of providing such a seat track assembly

Allowable Subject Matter

Claims 1-10, 13-15 and 19-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, Taubmann et al. '283 failed to further specifically teach the bracket and at least one of said the walls of the upper track to have interfit portions configured to resist relative lengthwise movement therebetween, thereby enhancing the ability of the bracket to withstand forces imposed thereon by the gear nut and gear casing.

With respect to claim 13, Taubmann et al. '283 failed to further specifically teach the method of making the seat track assembly to include the step of forming the upper track side walls and the bracket with respective complementary features and interfitting the features upon installation of the upper track onto the bracket so as to restrain movement of the bracket

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relative the upper track side walls, thereby enhancing the ability of the bracket to withstand lengthwise directed forces imposed by the gear nut and gear case.

Regarding claim 19, the prior art failed to specifically teach a method of manufacturing a seat track assembly including the steps of: mounting a threaded spindle to extend along and within a channel shaped lower track; forming a channel shaped upper track with a pair of side walls having a recess extending into a bottom edge of the side walls; installing a gear nut onto the spindle threads; enclosing the nut in a gear case having openings allowing the spindle to pass through the gear case while confining the gear nut therein, forming a bracket having a pair of legs which straddle the gear case to capture the same while having openings allowing the spindle to pass therethrough with the legs connected together at one end with a connecting portion; forming the bracket and the upper track side walls with portions interfit with each other upon placing the upper track over the bracket and gear case; and fastening said bracket to the upper track top wall by installing fasteners through the upper track top wall and the bracket.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koga et al. '873, Hammerstein '740, Schneyer et al. '305, Arrenberg et al. '631, Ito et al. '886, Mouri '257, Mouri et al. '242, Mouri '158, Isomura '262, Okada et al. '974, Ito et al. '642, Yoshimatsu '660, Frohnhaus et al. '922 and Houston et al. '421 teach various seat track assemblies.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403 and (571) 272-6824 after April 7, 2005. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113 and (571) 272-3600 after April 7, 2005.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a long horizontal flourish extending to the right.

Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
March 16, 2005